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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,775	07/30/2003	Soon Jo Lee	9988.038.00-US	7792

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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT

PAPER NUMBER

3749

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,775

Applicant(s)

LEE ET AL.

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1, 3-5, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Mele (US 4,051,858). Mele is considered to disclose an assembly comprising:

a top cover **53** mounted on a side plate of a cabinet;

a fire plate **54** between the side plate and the top cover, for preventing spreading of fire taking place in the cabinet to an exterior; and

a cabinet holder **64** fastening the fire plate to the side plate. Examiner broadly construes the fire plate to be capable of preventing the spread of fire in the cabinet to an exterior under a reasonable interpretation of the definitions from the specification. Mele is also considered to disclose the claimed curved surface top cover and matching feature thereof, as shown in figures **1** and **4**, including side contact mounting for preventing deformation by an external force.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 6, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mele. Mele is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed plastic cover and center part grooves. It would have been an obvious matter of design choice to recite features including a plastic cover and center part grooves, since applicants have not discussed the relative advantage of plastic cover and center part grooves over the material and structure found in the prior art.

Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mele in view of Carr (US 4,669,200). Mele is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed fastening pieces, first and second flanges, and inserting holes. Carr is considered to disclose fastening pieces **52** and **54**, first and second flanges at column 2 lines 45-59, and inserting holes at column 2 line 68 wherein the disclosed stitching is considered patentably equivalent to the claimed inserting holes because to those skilled in the art stitching involves threading inserted through holes. It would have been obvious to one skilled in the art to combine the teachings of Mele with the considered disclosed features including fastening pieces, first and second flanges, and inserting holes, as found in Carr for the purpose of structurally securing components of a cover to side pieces.

Claims 15 and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mele in view of Marchand (US 6,119,678). Mele is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed side plate and front plate of a cabinet, door in a front surface of the front plate and control panel on the top cover. Marchand is considered to disclose a side plate **12** and front plate **13** of a cabinet, door **40** in a front surface of the front plate and control panel **62** on the top cover. It would have been obvious to one skilled in the art to combine the teachings of Mele with the considered disclosed features including side plate and front plate of a cabinet, door in a front surface of the front plate and control panel on the top cover, as found in Marchand for the purpose of allowing control through a piece securing a fire plate. Furthermore, Mele in view of Marchand is considered to disclose the claimed invention, as discussed above, except for the claimed plastic cover and center part grooves. It would have been an obvious matter of design choice to recite features including a plastic cover and center part grooves, since applicants have not discussed the relative advantage of plastic cover and center part grooves over the material and structure found in the prior art.

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mele in view of Marchand in further view of Helle (US 4,469,083). Mele is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed cabinet corner brackets including a hook fastener. Helle is considered to disclose a cabinet corner brackets including a hook fastener at column 2

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lines 60-68. It would have been obvious to one skilled in the art to combine the teachings of Mele with the considered disclosed features including cabinet corner brackets including a hook fastener, as found in Helle for the purpose of allowing structural integrity through a fire plate securing piece.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References D and N, cited in this action, are considered to disclose the structural features in the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 703 308 7570. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus can be reached on 703 308 1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smg
July 21, 2004

Steph M. Gami